

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

- v. -

FELIPE PEREZ,

Defendant.

-x

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-x

08 CRIM

INDICTMENT

08 Cr.

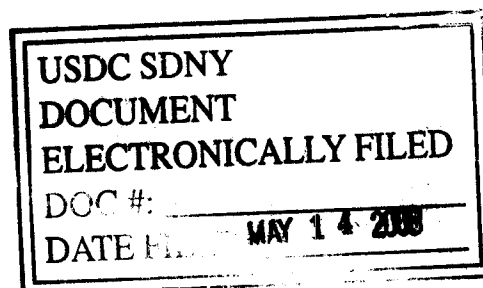
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COUNT ONE

The Grand Jury charges:

1. From at least in or about August 2007, up to and including in or about October 2007, in the Southern District of New York and elsewhere, FELIPE PEREZ, the defendant, unlawfully, willfully, knowingly, and with intent to defraud, as part of an offense affecting interstate commerce, did effect and attempt to effect transactions, with one and more access devices issued to another person and persons, to receive payment and any other thing of value during a one-year period, the aggregate value of which was equal to and greater than \$1,000, to wit, PEREZ used department store credit card numbers and information issued to other individuals without the authorization of those individuals, and purchased goods with those credit card numbers and information.

(Title 18, United States Code, Section 1029(a)(5).)



COUNT TWO

The Grand Jury further charges:

2. From at least in or about August 2007, up to and including in or about October 2007, in the Southern District of New York and elsewhere, FELIPE PEREZ, the defendant, unlawfully, willfully, and knowingly did transfer, possess, and use, without lawful authority, a means of identification of another person, during and in relation to a felony violation enumerated in Section 1028A(c), to wit, PEREZ possessed, used, and transferred the name and other personal identification information of another person to commit access device fraud as charged in Count One of this Indictment.

(Title 18, United States Code, Section 1028A.)

FORFEITURE ALLEGATION

3. As a result of committing the foregoing offense alleged in Count One of this Indictment, FELIPE PEREZ, the defendant, shall forfeit to the United States pursuant to Title 18, United States Code, Section 981(a)(1)(C), and Title 28, United States Code, Section 2461, all property, real and personal, that constitutes or is derived from proceeds traceable to the commission of the offenses.

Substitute Asset Provision

4. If any of the above-described forfeitable property, as a result of any act or omission of the defendant:

(1) cannot be located upon the exercise of due diligence;

(2) has been transferred or sold to, or deposited with, a third person;

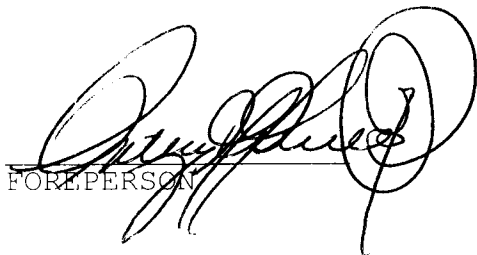
(3) has been placed beyond the jurisdiction of the Court;

(4) has been substantially diminished in value; or

(5) has been commingled with other property which cannot be subdivided without difficulty;

it is the intent of the United States, pursuant to 18 U.S.C. § 982(b), to seek forfeiture of any other property of said defendant up to the value of the above forfeitable property.

(Title 18, United States Code, Section 982
and Title 18, United States Code, Sections 2, 1028A, 1029.)


FOREPERSON


MICHAEL J. GARCIA
United States Attorney

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(18 U.S.C. §§ 1029(a)(5), 1028A)

MICHAEL J. GARCIA
United States Attorney.

A TRUE BILL

5-14-08

Foreperson.

5/14/08 Filed Indictment A/W closed Case
Assigned to Judge Saer.
of Maj Judge LaF